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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Application: Clark Turner Serial No.: 10/529,805 Filed: March 30, 2005 For: PORTABLE X-RAY DEVICE	 Confirmation No.: 6528 Group Art Unit: Unknown Examiner: Unknown
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Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

05/04/2006 LLANDGRA 00000036 10529805

01 FC:1464 Sir: 130.00 DP

PETITION TO MAKE SPECIAL UNDER 37 C.F.R. § 1.102(d)

Applicant respectfully requests expedited examination of this patent application in light of the following remarks. Enclosed herewith is a check for the appropriate fee as set forth in 37 C.F.R. § 1.17(h).

Applicant requests expedited examination of this application on the basis of actual infringement. Applicant attended a trade show on April 12 to April 16, 2005 in Cologne, Germany. Applicant noticed a device called the "Port-X II" being distributed by DigidentBio and sold by DigidentBio & the manufacturer Genoray Co., Ltd. (Genoray), a company headquartered in the republic of Korea. Applicant requested that a consultant, named Peter Steinhausen, purchase one of these devices on it's behalf. Mr. Steinhausen ordered one of the Port-X II devices from Genoray and Genoray subsequently shipped the device to him and he

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to:
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received the device at Clover, South Carolina on December 14, 2005. Accordingly, the basis for infringement in the present Petition is an act of importation across the United States borders.

A. The undersigned has reviewed several groups of information about the Port-X II device. The first group of information contains product brochures and descriptions of this device authored by Genoray and its personnel. The second group of information contains pictures of the actual Port-X II device that was purchased and analyzed by Applicant. The third group of information contains analysis of the device by Application, including comparison of that purchased device and the devices sold by Applicant. Because of its bulk, this information has not been included with this Petition, but is available if the Office deems it necessary.

B. All of this information listed above was rigidly compared with the original claims filed in the present application. Based on the scope of those claims as originally filed, there is no question that many of those claims would be infringed if the present application was issued as a patent in its current condition. For example, claim 1 recites:

1. A portable x-ray device, comprising:
an x-ray source; and
an integrated power system;
wherein the x-ray device has a high current load.

The Port-X II device unquestionably infringes this claim 1 because, as illustrated in Exhibit 1 (a “marked-up” photographs of the actual Port-X II device purchased by Application), it contains an x-ray source (10), an integrated power system (20), and based on Genoray’s own literature about the Port-X II, has a high current load.

C. Applicant has performed a careful and thorough pre-examination search of the prior art. This search was performed by a professional searcher named Randy Ward. The search was electronically conducted with the search terms x-ray, x-ray tube, handheld, biomedical,

medical, radiography, and portable on the following databases: IEEE Explore, Spin, US patents, US published applications, EPO patents, EPO published applications; WIPO PCT publications, JP abstracts; DE patents; DE published applications; and INPADOC (family info).

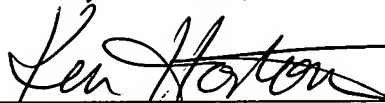
Each potentially relevant reference discovered is listed in the Information Disclosure Statement, which is filed separately on this same date. A courtesy copy of the PTO Form-1449 is attached to this Petition as Exhibit 2. This list includes U.S. Patent No. 5631943, which was also cited in the International Search Report in PCT/US05/05712, of which the present application claims priority. Attached to this Petition as Exhibit 3 is a "patent family" listing of U.S. Patent No. 5631943 that was discovered by the professional searcher.

Conclusion

In light of the foregoing, Applicant respectfully requests that this petition be granted and this application be examined on an expedited basis. If the Office has any question about this Petition, it is invited to personally contact the undersigned to expedite the Petition.

If there is any fee due in connection with the filing of this Petition, including a fee for any extension of time not accounted for above, please charge the fee to our Deposit Account No. 50-0843.

Respectfully Submitted,

By 
KENNETH E. HORTON
Reg. No. 39,481

KIRTON & McCONKIE
1800 Eagle Gate Tower
60 East South Temple

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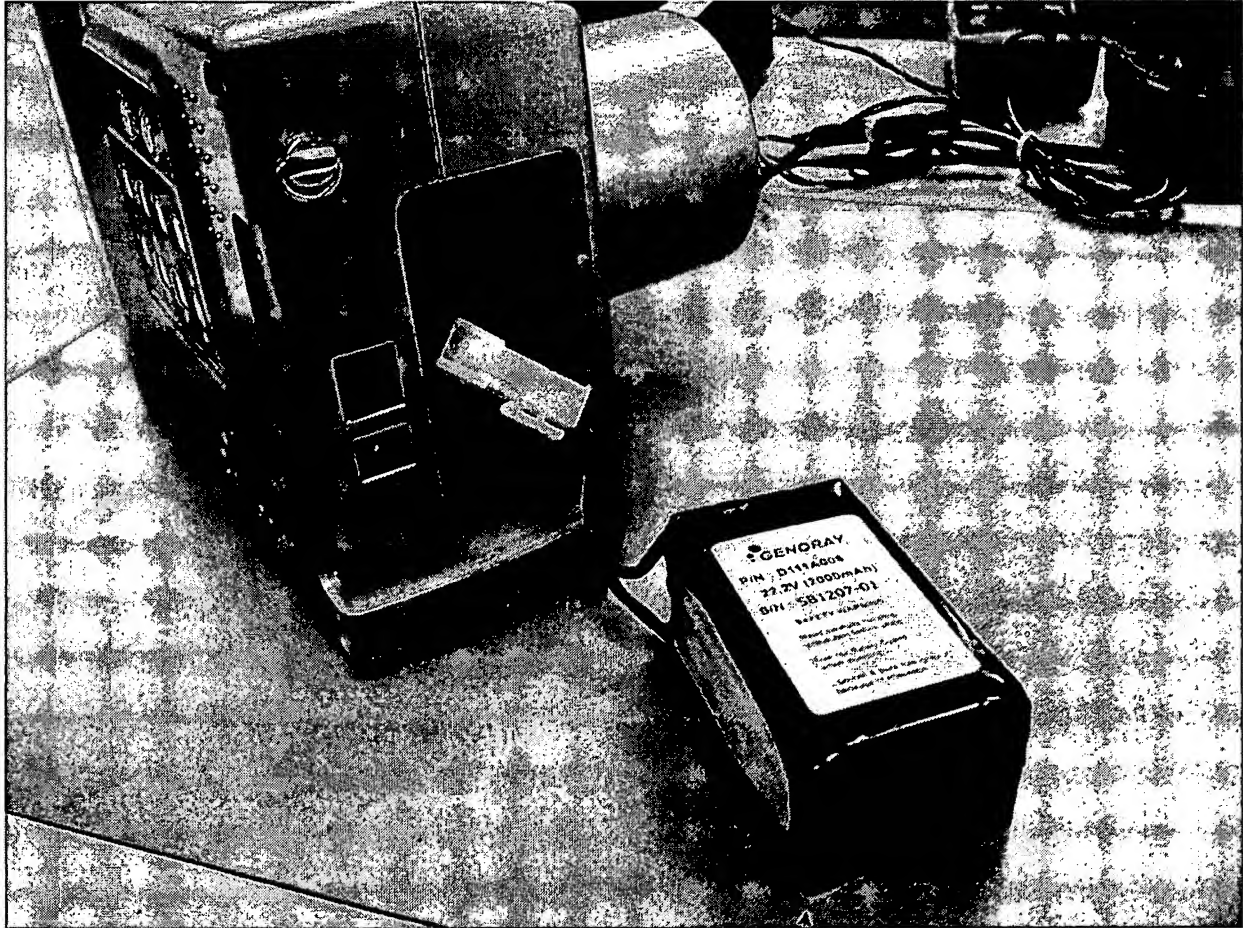
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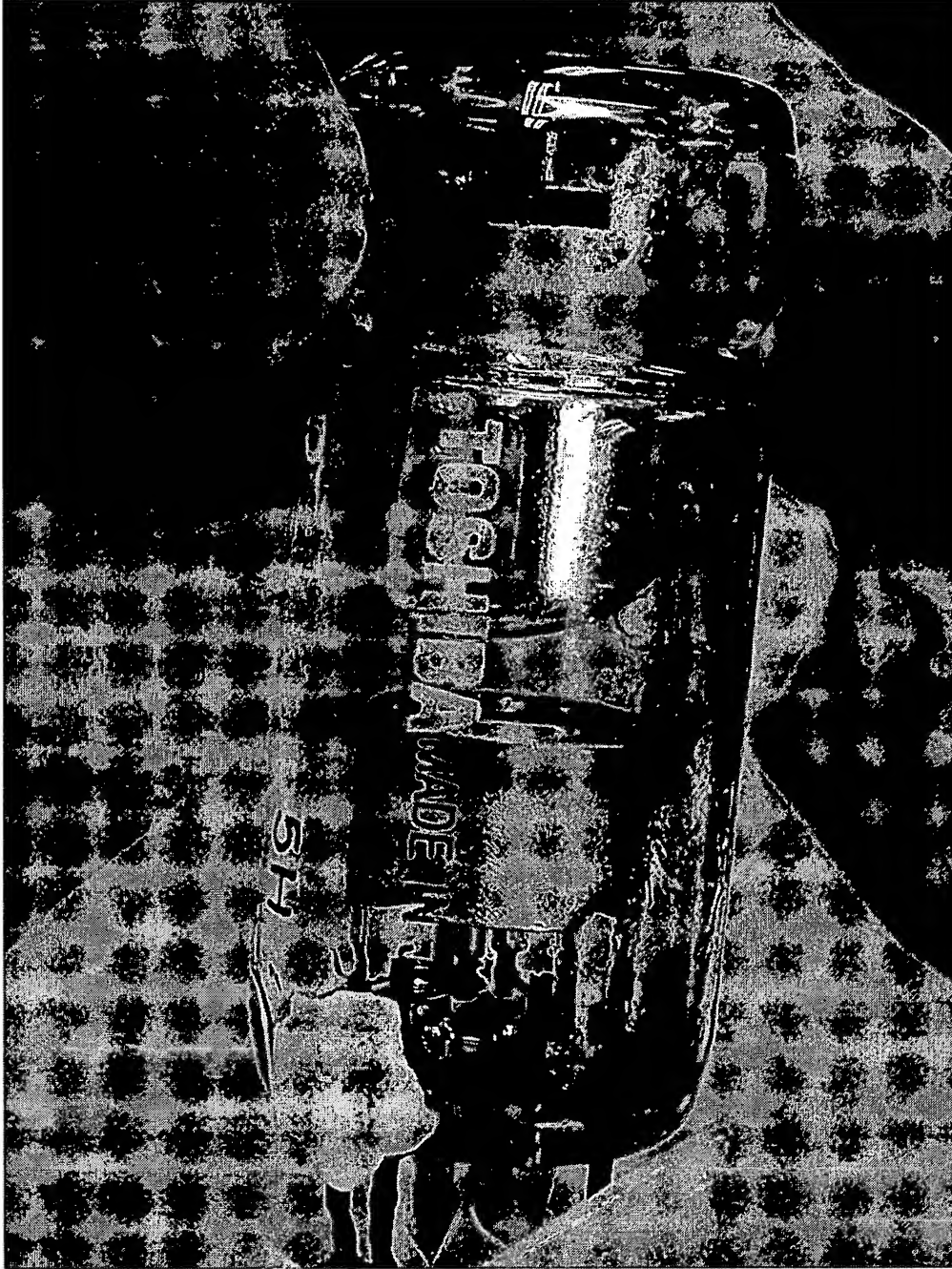
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Exhibit 1





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~~Exhibit~~ 2

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Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)				<i>Complete If Known</i>	
				Application Number	10/529,805
				Filing Date	March 30, 2005
				First Named Inventor	Clark Turner
				Group Art Unit	n/a
Examiner Name					
Sheet	1	of	1	Attorney Docket No.	12417.10

U.S. PUBLISHED PATENT DOCUMENTS						
Examiner Initials [*]	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant	Publ./Issue Date	Related [#]
		Number	Kind Code ²			
	1.	6,661,876		Turner et al	12/9/2003	
	2.	6,459,767		Boyer	10/1/2002	
	3.	6,327,338		Golovanivsky	12/4/2001	
	4.	6,205,200		Boyer et al.	3/20/2001	
	5.	6,038,287		Miles	3/14/2000	
	6.	5,708,694		Beyerlein et al.	1/13/1998	
	7.	5,631,943		Miles	5/20/1997	
	8.	5,379,335		Griesmer et al.	1/3/1995	
	9.	5,153,900		Nomikos et al.	10/6/1992	
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	12.	4,979,198		Malcolm et al.	12/18/1990	
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U.S. UNPUBLISHED PATENT APPLICATIONS						
Examiner Initials [*]	Cite No. ¹	Serial No.	Name of Applicant	Filing Date	Related [#]	Copy Enclosed
	30.	20050018817	Peter E. Oettinger et al.	1/27/2005		
	31.	20050053199	Dale A. Miles	3/10/2005		
	32.	20050213709	Mark T. Dinsmore, et al	9/29/2005		
	33.	20030048877	L. Stephen Price et al	3/13/2003		
	34.	20030002627	Robert J. Espinosa et al	1/2/2003		

35.	20030142788	Kenneth Cho et al.	7/31/2003		
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FOREIGN PATENT DOCUMENTS								
Examin er Initials*	Cite No. ¹	Foreign Patent Document			Name of Patentee or Applicant	Publ. Date	T ⁶	Copy Enclosed
		Office ²	Number ⁴	Kind Code ⁵				
	36.	EP	0524064		Varisco et al.	01/20/1993		
	37.	EP	0247758		Malcolm et al.	12/2/1987		
	38.	EP	0784965		Saliger et al.	07/23/1997		
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OTHER PRIOR ART – NONPATENT LITERATURE DOCUMENTS				
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T ²	Copy Enclosed
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Examiner Signature		Date Considered	
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* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication

¹Unique citation designation number. ²See attached Kinds of U.S. Patent Documents. ³Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶Applicant is to place a check mark here if English language Translation is attached.

** Reference cited in parent application US Serial No. ___, 37 CFR § 1.98(d)

*** Pre-OG Notice By Deputy Commissioner Stephen G. Kunin dated July 11, 2003 waiving the requirement to file copies of US patent publications in applications filed after June 30, 2003.

& Notice dated October 19, 2004 by Deputy Commissioner for Patent Examination Policy waiving requirement to file copies of pending US patent applications if the applications are stored in the USPTO's IFW system.















Commonly owned US patent or application whose subject matter may be related to the subject matter of the instance patent application.

~~Exhibit~~ 3

Title:	EP1070441A4: PORTABLE X-RAY DEVICE [German] [French]																											
Derwent Title:	Hand-held X-ray device for intraoral radiography [Derwent Record]																											
Country:	EP European Patent Office (EPO)																											
Kind:	A4 Supplementary search report ¹ (See also: EP1070441A1)																											
Inventor:	MILES, DALE A.; United States of America																											
Assignee:	MILES, DALE A. United States of America News, Profiles, Stocks and More about this company																											
Published / Filed:	2005-01-19 / 1999-04-07																											
Application Number:	EP1999000916439																											
IPC Code:	H05G 1/10 ; A61B 6/14 ;																											
ECLA Code:	None																											
Priority Number:	1999-04-07 WO1999US0007583 1998-04-07 US1998000056220																											
INPADOC Legal Status:	<table><thead><tr><th>Gazette date</th><th>Code</th><th>Description (remarks)</th><th>List all possible codes for EP</th></tr></thead><tbody><tr><td>2005-01-19</td><td>A4 +</td><td>Supplementary search report (2004-12-03)</td><td></td></tr><tr><td>2005-01-19</td><td>RIC1</td><td>Classification (correction)</td><td></td></tr><tr><td>2005-01-19</td><td>RIC1</td><td>Classification (correction)</td><td></td></tr><tr><td>2001-01-24</td><td>17P +</td><td>Request for examination filed (2000-11-07)</td><td></td></tr><tr><td>2001-01-24</td><td>AK +</td><td>Designated contracting states in an application with search report: (DE DK FI FR GB IT NL)</td><td></td></tr></tbody></table>				Gazette date	Code	Description (remarks)	List all possible codes for EP	2005-01-19	A4 +	Supplementary search report (2004-12-03)		2005-01-19	RIC1	Classification (correction)		2005-01-19	RIC1	Classification (correction)		2001-01-24	17P +	Request for examination filed (2000-11-07)		2001-01-24	AK +	Designated contracting states in an application with search report: (DE DK FI FR GB IT NL)	
Gazette date	Code	Description (remarks)	List all possible codes for EP																									
2005-01-19	A4 +	Supplementary search report (2004-12-03)																										
2005-01-19	RIC1	Classification (correction)																										
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Family:	<table><thead><tr><th>Buy PDF</th><th>Publication</th><th>Pub. Date</th><th>Filed</th><th>Title</th></tr></thead><tbody><tr><td></td><td>WO9952331A1</td><td>1999-10-14</td><td>1999-04-07</td><td>PORTABLE X-RAY DEVICE</td></tr><tr><td></td><td>WO9723120A1</td><td>1997-06-26</td><td>1996-12-13</td><td>PORTABLE X-RAY</td></tr></tbody></table>				Buy PDF	Publication	Pub. Date	Filed	Title		WO9952331A1	1999-10-14	1999-04-07	PORTABLE X-RAY DEVICE		WO9723120A1	1997-06-26	1996-12-13	PORTABLE X-RAY									
Buy PDF	Publication	Pub. Date	Filed	Title																								
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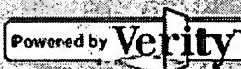


High
Resolution

	US6038287	2000-03-14	1998-04-07	Portable X-ray device
	US5781610	1998-07-14	1997-02-13	Portable X-ray device
	US5632943	1997-05-27	1995-03-20	Method for manufacturing a diaphragm of a speaker
	US5631943	1997-05-20	1995-12-19	Portable X-ray device
	JP2002511632T2	2002-04-16	1999-04-07	
	JP2000501973T2	2000-02-22	1996-12-13	
	EP1070441A4	2005-01-19	1999-04-07	PORTABLE X-RAY DEVICE
	EP1070441A1	2001-01-24	1999-04-07	PORTABLE X-RAY DEVICE
	EP0972430A4	2000-01-19	1996-12-13	PORTABLE X-RAY DEVICE
	EP0972430A1	2000-01-19	1996-12-13	PORTABLE X-RAY DEVICE
	CA2241130AA	1997-06-26	1996-12-13	PORTABLE X-RAY DEVICE
	AU3475899A1	1999-10-25	1999-04-07	Portable x-ray device
	AU1285597A1	1997-07-14	1996-12-13	Portable x-ray device
	AU0715394B2	2000-02-03	1996-12-13	Portable X-ray device
16 family members shown above				

? Other Abstract
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None



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